

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROGELIO MAY RUIZ,

Plaintiff,

v.

D. WOODFILL, et al.,

Defendants.

No. 2:20-cv-02078-TLN-DB

ORDER

Plaintiff Rogelio May Ruiz (“Plaintiff”), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 2, 2020, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within thirty days. (ECF No. 10.) On December 28, 2020, Plaintiff filed Objections to the Findings and Recommendations (ECF No. 11), which have been considered by the Court.¹

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¹ Plaintiff’s December 28 filing included both Objections to the Findings and Recommendations and a Motion to Appoint Counsel. (See ECF No. 11.) Plaintiff’s Motion to Appoint Counsel was denied on January 5, 2021 (ECF No. 12), and therefore will not be addressed herein.

1 This Court reviews *de novo* those portions of the proposed findings of fact to which
2 objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore*
3 *Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982); *see*
4 *also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed
5 findings of fact to which no objection has been made, the Court assumes its correctness and
6 decides the motions on the applicable law. *See Orand v. United States*, 602 F.2d 207, 208 (9th
7 Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Britt v. Simi*
8 *Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

9 Having reviewed the file under the applicable legal standards, the Court finds the Findings
10 and Recommendations to be supported by the record and by the magistrate judge's analysis.

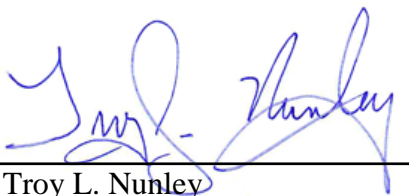
11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Findings and Recommendations filed December 2, 2020 (ECF No. 10), are
13 adopted in full;
- 14 2. Plaintiff's Application to Proceed In Forma Pauperis (ECF No. 2) is DENIED; and
- 15 3. Plaintiff is ordered to pay the \$400 filing fee within fourteen days from the electronic
16 filing date of this order and is warned that failure to do so will result in the dismissal of this
17 action.

18 IT IS SO ORDERED.

19 DATED: January 13, 2021

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Troy L. Nunley
United States District Judge